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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF FOOD & AGRICULTURE (Department of Food)

ORDERS

New Delhi, the 15th January, 1962.

G.S.R. 71.—In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947) and of all other powers enabling it in this behalf, the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Pondicherry (Regulation of Sugar Production) Order, 1962.

(2) It shall be deemed to have come into force on the 1st day of November, 1961.

2. Application of Act to State of Pondicherry.—The provisions of the Sugar (Regulation of Production) Act, 1961 (55 of 1961) are hereby applied to, and shall be in force in, the State of Pondicherry subject to any amendments to which the said Act is for the time being generally subject in the territories to which it extends and subject also to the condition that any reference in the said Act to any law not in force in the State of Pondicherry shall be construed as a reference to the corresponding law, if any, in force in that State.

3. Repeal and saving.—(1) The Pondicherry (Regulation of Sugar Production) Order, 1961 is hereby rescinded.

(2) Notwithstanding such rescission, anything done or any action taken under the Sugar (Regulation of Production) Ordinance, 1961 as applied to the State of Pondicherry by the said Order shall be deemed to have been done or taken under the Sugar (Regulation of Production) Act, 1961 as applied to that State by this Order as if this Order were in force therein on the day on which such thing was done or action was taken.

[No. 1-2/61-SV.]

G.S.R. 72.—In exercise of the powers conferred by section 7 of the Sugar (Regulation of Production) Act, 1961 (55 of 1961), as in force in India except the State of Jammu and Kashmir and as applied to the State of Pondicherry and in supersession of the Sugar (Regulation of Production) Rules, 1961, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Sugar (Regulation of Production) Rules, 1962.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) 'duration' of a factory in any year means the number of days in the year during which the factory crushed sugarcane, each day being taken to be equal to 22 hours of actual sugarcane crushing;
- (b) 'Act' means the Sugar (Regulation of Production) Act, 1961 (55 of 1961):
- (c) 'Sugar produced' by a factory in any year means the quantity (expressed in tonnes—metric tons) of sugar produced by the factory in that year together with the quantity of sugar recoverable from materials in process (all such materials containing less than 90 per cent sucrose) and from damaged and defective sugar out of that year's production left at the close of the year less the quantity of sugar recovered from similar materials in process and from damaged and defective sugar of previous years reprocessed during the year;
- (d) 'working capacity' of a factory means the daily sugarcane crushing capacity (expressed in tonnes—metric tons) reduced to 22 hours of actual sugarcane crushing.

3. **Formula for fixing quota.**—(1) The quantity of sugar which may be produced in a factory during the year 1961-62 shall be fixed, by order in writing, in accordance with the following formula, namely,—

- (a) in the case of a factory which is either not a new factory or which has before the close of the year 1960-61 effected a substantial expansion programme in accordance with the licence granted under the Industries (Development and Regulation) Act, 1951, the quantity shall be 90 per cent of the sugar produced by the factory during the year 1959-60 or 1960-61, whichever is higher;

Provided that—

- (i) If the sugar produced in the factory was less than 11,000 tonnes (metric tons) during each of the years 1959-60 and 1960-61, the quota fixed shall not be less than the quantity of sugar produced by the factory during the year 1959-60 or the year 1960-61, whichever is higher;
- (ii) If the sugar produced in the factory was higher than 11,000 tonnes (metric tons) either during the year 1959-60 or the year 1960-61, the quota fixed shall not be less than 11,000 tonnes (metric tons);
- (b) in the case of a factory which has been granted a licence under the Industries (Development and Regulation) Act, 1951, for effecting substantial expansion in its working capacity, but which, for any reason, was not able upto the close of the year 1960-61 to effect such expansion, the quantity shall be represented by the formula

$$\frac{90}{100} \left/ P + \left\{ \frac{(C_2 - C_1) \times d \times r}{100} \right\} \right/$$

where 'P' represents the production of sugar (expressed in tonnes—metric tons) during the year 1959-60 or the year 1960-61, whichever is higher;

'C₂' represents either the working capacity of the factory in the month of January, 1962 or the working capacity upto which the factory has been permitted to effect substantial expansion in its capacity in accordance with the licence granted under the Industries (Development and Regulation) Act, 1951, whichever is lower;

'C₁' represents the working capacity of the factory attained during the month of January, 1960 or the month of January, 1961, whichever is higher;

'd' represents the duration of the factory for the year 1960-61; and

'r' represents the recovery of sugar i.e., the sugar produced by the factory during the year 1960-61 expressed as a percentage of the sugarcane crushed during the year;

(c) in the case of a new factory, the quantity shall be 90 per cent of the sugar produced by the new factory, during the year 1959-60 or the year 1960-61, or the quantity represented by the formula $\frac{c \times d \times r}{100}$, whichever is the highest,

where 'c' represents the daily sugarcane crushing capacity of the factory (expressed in tonnes—metric tons) specified in the licence granted to the factory under the Industries (Development and Regulation) Act, 1951, reduced to 22 hours of actual sugarcane crushing;

'd' represents the average duration for the year 1960-61 of the factories in the State in which the new factory is situated; and

'r' represents the recovery of sugar, i.e., the sugar produced by the factory during the year 1960-61 expressed as a percentage of the sugarcane crushed during the year.

(2) Nothing in sub-rule (1) shall apply to—

- (a) a factory which is not a new factory and in which the sugar produced was not more than two-thirds of 11,000 tonnes (metric tons) during each of the years 1959-60 and 1960-61; or
- (b) a factory which goes into production for the first time in the year 1961-62 or which had only a trial run in the year 1960-61; or
- (c) a factory which, for any reason, did not function during the year 1960-61.

Explanation.—In this rule,—

- (1) 'new factory' means a factory which went into production during the year 1958-59 or thereafter, and includes a factory which went into production during the year 1957-58 but which had only a trial run during that year;
- (2) a factory is said to have a trial run in any year if its duration in the year is less than 40 per cent of the average duration in that year of other factories in the State in which the factory is situated;
- (3) the average duration of factories in the year 1960-61 shall, in the case of the States of Gujarat and Assam and the State of Pondicherry, be taken to be the average duration in that year of the factories in the States of Maharashtra, West Bengal and Madras respectively;

Provided that, in the case of the State of West Bengal, the average duration shall be the duration of the Ramugger Cane and Sugar Co. Ltd., Plassey, Distt. Nadia.

4. Quota to be fixed provisionally in certain cases.—Where, in the case of any factory, complete data for fixing the quantity of sugar under rule 3 are not available, the quantity shall be fixed provisionally for the year 1961-62 on the basis of the available data and shall be fixed finally when complete data become available but in any case not later than the 15th day of March, 1962.

5. Application for revision of order.—Any owner of a factory who is aggrieved by an order made under rule 3 by any officer or authority exercising the powers of the Central Government in this behalf may, within fifteen days of the receipt by him of the order, apply in writing to the Central Government for revision of the order, and the decision of the Central Government thereon shall be final.

6. Submission of returns and reports.—The Central Government or any officer or authority authorised by that Government in this behalf may, from time to time, by general or special order, require the owner of a factory to submit such returns or reports, or furnish such information, relating to the manufacture and stock of sugar in the factory, and to such authority as may be specified in the order.

7. Penalty.—Whoever commits a breach of any of these rules shall be punishable with fine which may extend to five thousand rupees.

G.S.R. 73.—In exercise of the powers conferred by section 5 of the Sugar (Regulation of Production) Act, 1961 (55 of 1961), the Central Government hereby directs that the power conferred on it by section 3 of the said Act to fix from time to time the quantity of sugar which may be produced in a factory during any year shall be exercisable also by the Chief Director in the Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture, Department of Food, New Delhi or by any other Officer appointed by the Central Government to discharge the functions of the Chief Director.

[No. 1-2/61-SV.]

L. G. RAJWADE, Jt. Secy.